

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHLOÉ, S.A.S., J. CHOO LIMITED

Plaintiffs,

- against -

KEN CHEN a/k/a SHU CHEN a/k/a XIANG
CHEN, et al.,

Defendants.

AND RELATED COUNTERCLAIMS

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Civil Action No.: 07 CV 6491
(WCP)

**PLAINTIFFS' ANSWER TO
COUNTERCLAIMS OF
DEFENDANTS QUICK GLOBAL
SHIPPING, SONG GAO, AND
LISA WU**

Plaintiffs and Counterdefendants Chloé, S.A.S. and J. Choo Limited (collectively, "Plaintiffs"), by their attorneys Greenberg Traurig LLP, as and for the Counterclaims of Quick Global Shipping, Lisa Wu, and Song Gao (collectively, "Quick Defendants") respectfully answer as follows:

FIRST COUNTERCLAIM

Tortious Interference With Business

1. Plaintiffs lack information or knowledge sufficient to admit or deny the allegations in Paragraph 20 of the Quick Defendants' Counterclaims, and on that basis deny the same.

2. Plaintiffs deny the allegations contained in Paragraph 21 of the Quick Defendants' Counterclaims.

3. Plaintiffs deny the allegations contained in Paragraph 22 of the Quick Defendants' Counterclaims.

4. Plaintiffs lack information or knowledge sufficient to admit or deny the allegations in Paragraph 23 of the Quick Defendants' Counterclaims, and on that basis deny the same.

5. Plaintiffs deny that they made intentional misrepresentations or deliberate used falsehoods. Plaintiffs lack information or knowledge sufficient to admit or deny the remaining allegations in Paragraph 24 of the Quick Defendants' Counterclaims, and on that basis deny the same.

6. Plaintiffs deny the allegations contained in Paragraph 25 of the Quick Defendants' Counterclaims.

SECOND COUNTERCLAIM

Injurious Falsehood

7. Plaintiffs respond to Paragraph 26 of the Quick Defendants' Counterclaims by incorporating by reference their responses to Paragraphs 20-25 as if set forth fully herein.

8. Plaintiffs deny the allegations contained in Paragraph 27 of the Quick Defendants' Counterclaims.

9. Plaintiffs lack information or knowledge sufficient to admit or deny the allegations in Paragraph 28 of the Quick Defendants' Counterclaims, and on that basis deny the same.

10. Plaintiffs deny any intentional and deliberate use of injurious falsehoods. Plaintiffs lack information or knowledge sufficient to admit or deny the remaining allegations in Paragraph 29 of the Quick Defendants' Counterclaims, and on that basis deny the same.

11. Plaintiffs deny the allegations contained in Paragraph 30 of the Quick Defendants' Counterclaims.

THIRD COUNTERCLAIM

Abuse of Process

12. Plaintiffs respond to Paragraph 31 of the Quick Defendants' Counterclaims by incorporating by reference their responses to Paragraphs 20-30 as if set forth fully herein.

13. Plaintiffs deny the allegations contained in Paragraph 32 of the Quick Defendants' Counterclaims.

14. Plaintiffs deny any wrongful restraint of assets. Plaintiffs lack information or knowledge sufficient to admit or deny the remaining allegations in Paragraph 33 of the Quick Defendants' Counterclaims.

15. Plaintiffs deny the allegations contained in Paragraph 34 of the Quick Defendants' Counterclaims.

16. Plaintiffs deny the allegations contained in Paragraph 35 of the Quick Defendants' Counterclaims.

REQUEST FOR BOND INCREASE

17. Plaintiffs can neither admit or deny the statements contained in Paragraph 36 of the Quick Defendants' Answer as they are not allegations against Plaintiffs. An application to the court for an order must be made by a motion, which in this Court requires a Memorandum of Law. *See* F.R.C.P. 7(b); S.D.N.Y. Local Civ. R. 7.1.

18. Plaintiffs can neither admit or deny the statements contained in Paragraph 37 of the Quick Defendants' Answer as they are not allegations against Plaintiffs. An application to the court for an order must be made by a motion, which in this Court requires a Memorandum of Law. *See* F.R.C.P. 7(b); S.D.N.Y. Local Civ. R. 7.1.

FIRST AFFIRMATIVE DEFENSE

19. The Quick Defendants' Counterclaims fail to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

20. The Quick Defendants' Counterclaims are barred by the doctrine of unclean hands.

THIRD AFFIRMATIVE DEFENSE

21. Plaintiffs' conduct was legally justified in all respects.

FOURTH AFFIRMATIVE DEFENSE

22. Quick Defendants have failed to mitigate their damages, if any.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that the Court:

1. Dismiss Quick Defendants' Counterclaims and Request for Bond Increase with prejudice;
2. Declare that Quick Defendants take nothing by their Counterclaims;
3. Award Plaintiffs their reasonable attorneys' fees and costs incurred in connection with this action; and
4. Grant other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand a jury trial on all triable issues that are raised by the Quick Defendants' Counterclaims.

Dated: New York, New York
September 27, 2007

Respectfully submitted,
GREENBERG TRAURIG LLP

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